

## **EXHIBIT 19**

### **Affidavit of Ralph D. Pope**

AFFIDAVIT OF RALPH D. POPE

BEFORE ME, the undersigned authority, personally appeared, Ralph D. Pope, who upon being first duly sworn, states as follows:

1. My name is Ralph D. Pope. I own one half interest in 160 acres approximately 30 miles from the Arizona/Mexico border, near the town of Rodeo, New Mexico. I have co-owned this property for 33 years. I currently live at 27 Western Drive, Silver City, New Mexico. I am still engaged in a small livestock business on the aforementioned property with my brother who is the co-owner of the property.

2. I was born and grew up in Douglas, Arizona where I personally experienced the culture and lifestyle of living on the U.S./Mexican border. During my childhood and early adult years, I experienced many memorable days of working, camping, hunting, fishing, and hiking in the backcountry of Southeastern Arizona and Southwestern New Mexico. During my teen and young adult years, I worked for several ranches that were adjacent to or near the U.S./Mexican border. It was during this early period of my life that I grew to appreciate and value the beauty and uniqueness of the undisturbed natural ecosystems that still existed in Southeastern Arizona and Southwestern New Mexico. I have fond memories of my

youth and the pristine back country that has been irrevocably adversely impacted over the years.

3. My love for the unaltered and natural setting of the land where I grew up led me to pursue and get a degree in Rangeland/Watershed Management from the University of Arizona in 1973. During the years I attended the University of Arizona, I worked summers for the U.S. Forest Service as a wildland firefighter on the Douglas Ranger District of the Coronado National Forest.

4. Following my graduation from the University of Arizona in 1973, I returned to Douglas, Arizona where I was employed by the U.S. Forest Service as a Range Conservationist on the Douglas Ranger District. In this position, I was able to be outdoors most of the time where I rode horseback throughout the Piloncillo, Chiricahua, and Dragoon Mountains, which make up the Douglas Ranger District. This job entailed monitoring ecosystem health and livestock grazing operations on 55 Forest Service grazing allotments. To be a young man riding through the pristine, unique and remote mountain ranges of Southeastern Arizona and Southwestern New Mexico was a once in a lifetime opportunity.

5. Because I have spent so much of my life in Southeastern Arizona and Southwestern New Mexico, I have, over the decades, both personally and in the course of my career with the federal government, observed the injurious,

detrimental impacts to the region that have resulted from people who are entering the United States illegally. These people are traveling both north (further into the United States) and south, (back into Mexico) through Southeast Arizona and Southwest New Mexico. This undeniable presence of many hundreds of thousands of humans who are traveling on foot through, on many occasions very rugged and remote areas of Southeast Arizona and Southwest New Mexico, has caused obvious and undeniable damage to the unique native ecosystems located on hundreds of thousands of acres of once pristine and unspoiled lands, most of which is federally owned.

6. I have personally witnessed the eroding ecosystem health and increasing levels of human disturbance over much of the land that makes up the Douglas Ranger District during my life. My tenure working on the Douglas Ranger District, as well as the untold number of days spent outdoors in my childhood and young adult years, has provided me with a very unique and definitive knowledge of what these lands were like prior to the recent onrush of illegal immigrants and smugglers who have greatly impacted and harmed the natural setting and environment of Southeastern Arizona and Southwestern New Mexico.

7. In 2009, I retired from the U.S. Forest Service after nearly 38 years of working in various positions and at various locations in Arizona and New Mexico



as a Rangeland, Wildlife and Watershed Management Staff Officer. I began my career with the Forest Service in a summer firefighting position on the Douglas Ranger District and retired as the Gila National Forest Rangeland Management Staff Officer. In today's job classification system this broad spectrum of duties would be considered to be Natural Resource Management/Ecologist positions.

8. Following my retirement from the US Forest Service in 2009, I started an ecosystem management consulting business (*Southwest Native Ecosystems Management LLC*), which is currently a small, but growing business. My small business continues to take me onto the borderlands where I continue to try to protect southwest ecosystems. I continue to see ecosystem degradation resulting from illegal border crossers.

9. I have been an associate member of the New Mexico Cattle Growers Association representing the Gila National Forest for 18 years and have been a business affiliate member representing Southwest Native Ecosystems Management, LLC for 8 years. I have on occasion provided information and professional advice to the New Mexico Cattle Growers Association, which is based upon my expertise and years of experience managing native ecosystems.

10. Over the years, I have learned to understand the scope and range of southwest ecosystems, from desert to high elevation mixed conifers. Many of the

ecosystems located along the border are found nowhere else in the world and contain an extraordinarily unique composition of native plant and animal species. The mountainous ecosystems of southern Arizona and New Mexico are commonly called “sky islands” --islands of unique montane vegetation surrounded by a desert setting-- which are known for their spectacular beauty and ecological value. The Chiricahua Mountains, the Graham Mountains, the Catalina Mountains and the Huachuca Mountains are all “sky islands.” The fragile and extraordinarily diverse ecosystems that occupy these mountain ranges have taken millions of years to evolve. The following excerpt from a description of the “sky islands” by the Center for Biological Diversity summarizes the unprecedented ecological value of sky islands:

In the southwestern United States and northwestern Mexico lies a region boasting the highest biodiversity in inland North America. Isolated mountain ranges topped by 10,000-foot peaks rise from intervening desert valleys and grasslands, prompting the nickname “Sky Islands.” A unique array of geographic, topographic and climatic influences create a bewildering variety of plants and animals here, many imperiled or found nowhere else.

Also called the Madrean Archipelago, dozens of distinct mountain ranges scattered on both sides of the U.S.-Mexico border function as high-country stepping stones between the subtropical Sierra Madre to the south and the temperate Rocky

Mountains to the north. The area also lies along the confluence of the Sonoran and Chihuahuan deserts, two very different ecoregions with disparate plant communities. Dramatic elevation changes result in distinct vegetation zones that can vary from desert scrub to spruce-fir forest in a single range, sometimes within the space of a few miles. Add in the climatic phenomenon of a summer monsoon — a seasonal wind pattern that produces powerful thunderstorms in July and August — and you have all the ingredients for a world-renowned biodiversity hotspot.

Ascending the steep slopes of a Sky Island mountain range, one encounters a series of distinct life zones, each with its own particular array of plants and animals — from high coniferous forests to the grasslands and chaparral of lower elevations — and a spectacular array of species thrives in the transition zones and microhabitats in between. For example, in the mid-elevation Cave Creek area of the Chiricahua Mountains, research points to the world's highest diversity and density of nesting birds of prey.

Many species in the Sky Islands region occur at the northernmost or southernmost extent of their ranges. Endangered jaguars and ocelots, for example, roam into the mountains and canyons of southeastern Arizona and southwestern New Mexico from larger populations to the south. Other subtropical species found in the Sky Islands include the coatimundi, elegant trogon, thick-billed parrot and Mexican garter snake. Conversely, the region harbors the southernmost occurrence of pure spruce-fir forest on the continent.



*Sky Island Conservation*, Center for Biological Diversity,

[http://www.biologicaldiversity.org/campaigns/sky\\_islands\\_conservation/](http://www.biologicaldiversity.org/campaigns/sky_islands_conservation/) (last visited Sept. 26, 2016).

11. All of these mountain ranges have been degraded to varying degrees over recent decades by the hundreds of thousands of illegal border crossers who start fires that can burn out of control, dump garbage, pollute the waters, trample the native vegetation, and destroy the wilderness characteristics of the land. I have grown sad and frustrated by this ongoing destruction of the unique and once pristine environment that I love, and have spent my career trying to protect.

This degradation is epitomized by the destruction of Burro Springs and the surrounding area, which is located in a federally designated wilderness.

Illegal border crossers use the spring and surrounding area as a “layover spot.” For years, these trans migratory people, who go to great lengths to avoid being found by the Border Patrol and other law enforcement officer, have defecated right next to the water, taken baths in the water and left garbage all over the area. Below is a photo taken at Burro Springs of some of the garbage left by the hundreds of trans migratory people who have stopped to rest at this location:





12. The same level of adverse environmental impacts has occurred at Woodchoppers Springs, which is located on Forest Service Land in New Mexico. Both of these springs are part of the Coronado National Forest. It makes me sick and angry to see these key wildlife water sources and the surrounding area ruined. I observed both springs and surrounding areas back in the 1970's and they were then pristine and undisturbed. At that time, the springs provided an important source of water for wildlife. That was not the case when I observed these areas a few years ago. I have also observed numerous other springs and streams on federal lands trashed by illegal border crossers.

13. On March 27, 2010, Rob Krentz, a well-known and respected rancher whose ranch was located approximately 25 miles north of Douglas, Arizona was

gunned down by, what all evidence indicates was, an illegal immigrant and smuggler. This tragic event prompted a very emotional and significant outcry for help from the citizens of Southeast Arizona and Southwest New Mexico. As part of this outcry for help, Arizona Senators John McCain and Jon Kyl became very involved with the border issues, which led them to call for a Government Accountability Office (GAO) inquiry into the occurrence and effects of wildfires started by illegal immigrants and smugglers. *(See attached Appendix 1, Letter Requesting GAO to examine wildland fires caused by illegal immigrants and smugglers occurring within 100 miles of Arizona's border with Mexico over the last 5 years).*

14. The fires set by illegal border crossers have destroyed thousands of acres of previously undisturbed ecosystems, many of which are on federal lands. I observed the aftermath of two fires set by illegal border crossers near Burro Springs, in the Chiricahua Mountain Range.

15. In 2011, illegal border crossers started the Horseshoe Fire II, which burned the entire Chiricahua Mountain Range. This mountain range will never be what is once was. It will never again support many of the unique and fragile ecosystems that occurred for millennia on this mountain range. In the aftermath of the wildfire and subsequent flooding, many of the extraordinarily unique

ecosystems are being repopulated with non-native invasive plants and animals. As an ecologist, this upsets me tremendously.

16. On February 10, 2010, a meeting with representatives from the GAO, a few select individuals from Southeast Arizona and Southwest New Mexico and Senator John McCain and Jon Kyl was held in Douglas, Arizona. As a private native ecosystems management consultant, I was tasked with writing a briefing paper concerning the occurrence and effects of wildfires started by undocumented aliens along with the occurrence and effects of large amounts of garbage and human waste that was left in and around various scattered seeps and springs located in the remote backcountry. (*See attached Appendix 2, Undocumented Alien Fire Discussion Paper, GAO/Citizen Meeting, February 10, 2011, Douglas Arizona*). Copies of this briefing paper were provided to the representatives from the GAO and the Senators.

17. On November 11, 2011, the GAO released their report to Congress dealing with the occurrence and effects of wildfires started by illegal immigrants and smugglers as well as the other adverse impacts these people have caused. (*See attached Appendix 3, Report to Congressional Requesters, Arizona Border Region, Federal Agencies Could Better Utilize Law Enforcement Resources in Support of Wildland Fire Activities*). While the title of this report would lead a reader to



believe that the report has very little to do with the environmental damage caused by illegal immigrants and smugglers, the report does provide the factual information gathered during the comprehensive analysis done by the GAO.

While there are hundreds of thousands of documents purporting to provide accurate information concerning illegal immigrants and smugglers, this is the only documented analysis I have been able to locate that provides systematically gathered and factual information pertaining to the continuing environmental degradation of border lands (and particularly federal lands) caused by illegal immigration and smuggling.

18. The GAO report correctly documents the myriad impacts of wildfires started by illegal immigrants and smugglers, as well as other adverse environmental impacts caused by the hordes of transmigratory border crossers who have routinely crossed through Southeastern Arizona and Southwestern New Mexico in the last couple of decades. (See pages 17-19 of the report.). I find it obvious that neither the land management agencies nor the Department of Homeland Security (DHS) have put much effort into identifying, analyzing and/or preventing environmental damage caused by illegal immigrants and smugglers.

19. I find it obvious when reviewing the GAO report that the land management agencies have adopted an internal agency funded policy of finding



and dealing with illegal border crossers by using their own law enforcement personnel instead of working cooperatively with the U.S. Customs and Border Protection Agents whose specific job it is to find and apprehend illegal border crossers. Why?

20. When reviewing the GAO report, I find that neither the federal land management agencies nor the DHS have directly responded to or taken mitigating actions concerning the illegal immigrants and smugglers' degradation of the public lands, even though they admit that this environmental degradation has occurred in the attached GAO Report.

21. I have found through personal observation and speaking directly with Forest Service employees that the federal land management agencies and the DHS have made (both independently and/or in cooperation with the other agencies) an effort to hide the illegal immigrant and smuggler's degradation of the public lands from the public by denying any knowledge of illegal immigrants and smugglers being present on the federal land when questioned by individuals and entities from outside of the agencies. This denial is taking place while internally the land management agencies have developed policies and training materials that warn firefighters and other employees about the dangers of encountering illegal immigrants and smugglers. *(See USFS letter found on page 52 of the GAO report).*

22. I find when reviewing the GAO report the land management agencies have openly admitted that they have not conducted investigations of the various wildfires nor have they visited any of the lay-up locations where the large amounts of garbage and human waste can be found. It is obvious they do not want to know the facts concerning the destruction of the federal lands they manage.

See photographs of trash-strewn “layover” area used by illegal aliens just south of Tucson:







When researching the illegal immigrant and smuggler issues, I found no record that any federal agency (including DHS) has independently or in cooperation with other agencies made an effort to address the illegal immigrants and smugglers degradation of the federal lands by conducting a National Environmental Policy Act (NEPA) analysis.

23. There is a great deal of agency denial about the impacts of illegal immigration upon our federal border lands. The various federal agencies including DHS and the Forest Service, Bureau of Land Management, and the National Park Service need to admit to the impacts caused by illegal border crossers, get their heads out of the sand and coordinate and synchronize federal action to stop this destruction.

24. NEPA analysis, if it had been conducted, would disclose the effects and alternative measures to mitigate the adverse environmental effects caused by illegal border crossers. The federal government would have to admit what is going on.

25. When researching the illegal immigrant and smuggler issues, I found no record that any federal agency (including DHS) has independently or in cooperation with other agencies made an effort to comply with the Endangered Species Act (ESA) by conducting ESA, section 7, consultation with the U.S. Fish and Wildlife Service concerning the known adverse effects to listed threatened, endangered and sensitive species and their designated critical habitat.

26. When researching the illegal immigrant and smuggler issues, I found no record that any federal agency (including DHS) has independently or in cooperation with other agencies recognized that substantial illegal immigrants and



smugglers environmental degradation has occurred in designated Wilderness Areas.

27. When researching the illegal immigrant and smuggler issues, I found no record that any federal agency (including DHS) has independently or in cooperation with other agencies made an effort to comply with the Wilderness Act, section 4 (b), by preserving the wilderness character of designated Wilderness Areas.

28. The Federal Land Policy and Management Act of 1976, Section 102 (a) (8) states: "The Congress declares that it is the policy of the United States that: (8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values; that where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use." I spent my entire career working to follow this policy. I love the borderlands. I now feel my efforts, over the course of my long career dedicated to protecting the ecological health and sustained productivity of vast areas of federal borderlands for future generations, has been squandered by a few


powerful politicians in order to promote political correctness and the need to pander for votes.

29. I feel I have been forced to give up my childhood love for the unaltered and natural setting of the land and that I have been forced to accept the destruction and squandering of what were once precious natural ecosystems that provide untold renewable resources and hours of enjoyment to the citizens of the United States. As an American, I expected better from the United States.

FURTHER AFFIANT SAYETH NOT.

  
RALPH D. POPE

Subscribed and sworn to before me on October 3, 2016 by RALPH D. POPE. He is personally known to me or has presented personally known identification.

  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
MY COMMISSION EXPIRES

